IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION 3:08-CV-349

GARDEN AND GUN LLC,)
Plaintiff,)
v.) AMENDED ORDER
TWODALGALS, LLC.)
Defendant.)

For the reasons stated in open court, the Court declines to rule on Plaintiff's Motion for a Temporary Restraining Order. Pursuant to Federal Rule of Civil Procedure 65, this Motion should be converted into a Motion for a Preliminary Injunction. Although the original Motion was properly heard in front of Judge Mullen, a Preliminary Injunction hearing should be held in front of the presiding judge, the Honorable Martin Reidinger.

Accordingly, a hearing on Plaintiff's Motion for a Preliminary Injunction is hereby set for August 15, 2008 at 9:00 in Courtroom 1.

Signed: August 5, 2008

Graham C. Mullen

United States District Judge